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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,352	03/09/2004	Takao Shiibashi	04106 /LH	4284
1933 7590 09/14/2010 HOLTZ, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708				
EXAMINER				
SELBY, GEVILL V				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/797,352

**Applicant(s)**

SHIIBASHI ET AL.

**Examiner**

GEVELL SELBY

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 2, 9 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 3, 5-8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada, US 6,954,767, in view of Beaulieu et al., US 2002/009165.**

In regard to claim 1, Canada, US 6,954,767, discloses a medical image  
photographing system comprising

a control apparatus (see figure 5, element 14: judging means in medical image sever 14) for corresponding a photographing order information related to medical photography and a medical image and managing them (see column 17, lines 51-58 and column 18, lines 16-26 and 35-49: photographing order according to the examination order information including images is stored on server 14), and a terminal (see figure 4, element 15: diagnostic workstation) for obtaining the photographing order information from the control apparatus (see column 14, lines 31-38);

wherein the control apparatus comprises a first communication unit for communicating with the portable terminal, and a first control unit for transmitting the photographing order information through the first communication unit to the portable terminal (see column 19, lines 25-48: the control apparatus of server 14

delivers the image to the determined destination terminal through, wherein a first communication unit is inherent, since the image is delivered to the terminal); and the terminal (see figure 3, element 15: diagnostic workstation) comprises a second communication unit for communicating with the control apparatus (see figure 3: it is inherent the diagnostic workstation 15 has a communication unit, since an order for image searching and fetching to sent to the control apparatus and image data is received from the control apparatus), a display unit for displaying a display information (see column 14, lines 38-42: the workstation 15 displays images as display information), and a second control unit for receiving the photographing order information from the control apparatus through the second communication unit (see column 14, lines 38-42: it is inherent the diagnostic workstation has a control apparatus, since the operations of the workstation are performed), extracting the photographing order information corresponding to a predetermined extract condition from a received photographing order information, and displaying a extracted photographing order information on the display unit (see column 16, lines 61-65: the controller extracts the image selected by the user from the photographing order information received from the server and displays the selected image).

The Kanada reference does not disclose that the terminal is portable.

Beaulieu et al., US 2002/0091659, discloses a portable device (see figure 1, element 140) for viewing medical images (see para 2).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kanada, US 6,954,767, in view of Beaulieu et al., US 2002/0091659, to have the terminal be portable, in order to allow the user to easily carry the device from room to room between patients.

In regard to claim 3, Kanada, US 6,954,767, discloses a medical image photographing system comprising:

- a control apparatus (see figure 5, element 14: judging means in medical image sever 14) for corresponding a photographing order information related to medical photography and a medical image and managing them (see column 17, lines 51-58 and column 18, lines 16-26 and 35-49: photographing order according to the examination order information including images is stored on server 14);

- a terminal (see figure 4, element 15: diagnostic workstation) for obtaining the photographing order information from the control apparatus (see column 14, lines 31-38);

- a extracting unit for extracting a predetermined data from the photographing order information to be sent to the portable terminal (see column 16, lines 61-65: the workstation extracts the image selected by the user from the photographing order information received from the server and displays the selected image); and

- a display unit for displaying an extract result of the extracting (see column 14, lines 31-36: the workstation displays the selected image).

The Kanada reference does not disclose that the terminal is portable.

Beaulieu et al., US 2002/0091659, discloses a portable device (see figure 1, element 140) for viewing medical images (see para 2).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kanada, US 6,954,767, in view of Beaulieu et al., US 2002/0091659, to have the terminal be portable, in order to allow the user to easily carry the device from room to room between patients.

In regard to claim 5, Kanada, US 6,954,767, in view of Beaulieu et al., US 2002/0091659, discloses the system of claim 3, wherein the portable terminal comprises the extracting unit and the display unit (see column 16, lines 61-65).

In regard to claim 6, Kanada, US 6,954,767, in view of Beaulieu et al., US 2002/0091659, discloses the system of claim 3, wherein the control apparatus comprises the extracting unit (see column 18, lines 40-45: means for selecting and image based on examination order information) and the display unit (see column 15, lines 30-32: monitor).

In regard to claim 7, Kanada, US 6,954,767, in view of Beaulieu et al., US 2002/0091659, discloses the system of claim 3, wherein the control apparatus comprises the extracting unit (see column 18, lines 40-45: means for selecting and image based on examination order information) and the display unit (see column 15, lines 30-32: monitor), and the portable terminal comprises a display unit and displays the extract result of the extracting unit on the display unit (see column 14, lines 31-36: the workstation displays the selected image).

In regard to claim 8, since Canada, US 6,954,767, in view of Beaulieu et al., US 2002/0091659, discloses the medical image managing system of claim 1 as disclosed above, the method of claim 8 is also disclosed (see claim 1 above).

In regard to claim 10, since Canada, US 6,954,767, in view of Beaulieu et al., US 2002/0091659, discloses the medical image managing system of claim 3 as disclosed above, the method of claim 10 is also disclosed (see claim 3 above).

In regard to claim 11, since Canada, US 6,954,767, in view of Beaulieu et al., US 2002/0091659, discloses the medical image managing system of claim 4 as disclosed above, the method of claim 11 is also disclosed (see claim 4 above).

**3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Canada, US 6,954,767, in view of Beaulieu et al., US 2002/0091659, as applied to claim 3 above, and further in view of Motoki, US 2004/0071263.**

In regard to claim 4, Canada, US 6,954,767, in view of Beaulieu et al., US 2002/0091659, discloses the system of claim 3. The Canada and Beaulieu references do not specifically disclose wherein the data to be extracted comprises one of or both of a size and the number of cassette necessary for imaging.

Motoki, US 2004/0071263, discloses a medical image control apparatus wherein the control unit reads a barcode (an ID number of the cassette) and stores the cassette ID information (see para 74).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Canada, US 6,954,767, in view of Beaulieu et al., US 2002/0091659, and further in view of Motoki, US 2004/0071263, wherein the

data to be extracted comprises one of or both of a size and the number of cassette necessary for imaging, in order to provides the user easy access to more information when a cassette-type medical image photographing apparatus is used.

***Allowable Subject Matter***

4. Claims 2, 9, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2001/0041991, discloses a method and system for providing a medical record management service. US 20030020813, discloses an imaging system that transmits and receives image order information. US 2002/0188187, discloses a system for displaying medical images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEVELL SELBY whose telephone number is (571)272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gevell Selby/  
Primary Examiner, Art Unit 2622

gvs